



## **CITY OF SARATOGA**

### ***Memorandum***

**To:** Saratoga Planning Commission

**From:** Erwin Ordonez, Community Development Director

**Date:** November 15, 2016

**Subject:** Public Hearing – Items 2.1 through 2.4, Paramount Lots 4, 5, 6, 7

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At the November 9, 2016 Public Hearing, the Commission asked about the Final Map and approval process for the Paramount Subdivision, and had extensive discussion about the improvement plans.

Attached are excerpts from Chapter 14 of the City Code (Subdivision Regulations) which cover the required Tentative Map, Final Map, and Improvement Plan review process.

Staff is providing the attachment as background information, but would like to highlight the following items for the Commission, given the discussion from the prior public hearing:

- Tentative Map Section 14-20.040 (h) notes that a grading plan could have been required as part of the submittal process when this project was reviewed by the Planning Commission in 1996 and subsequently in 2014.
- Final Map 14-40 notes that improvement plans are required for the Final Map submittal process.
- The City has a split process to review Final Maps and Improvement Plans:
  - 1) The City Engineer reviews the proposed Improvement Plans for approval, and
  - 2) The City Council approves the Final Map along with a Subdivision Improvement Agreement which references the improvement plans.
- The City Engineer review is done at technical staff level (ministerial), and the City Council review at a public hearing.

# CITY CODE EXCERPTS FOR SUBDIVISION APPLICATIONS

## TENTATIVE MAPS

- **14-20.030 - Filing application for tentative approval.**

Applications for tentative subdivision map approval shall be filed with the Community Development Director on such forms as he or she may prescribe. The Community Development Director shall examine the application and the documents submitted therewith, and shall not accept the same until all of the requirements of this Article with respect to the form, content and number of maps, information to be furnished and documents to be submitted with the application have been fully satisfied and all fees and costs due and payable at the time of filing the application have been paid in full. The time of filing the application shall be the date on which the application is accepted by the Community Development Director as being complete.

(Amended by Ord. 221 § 2 (part), 2003)

- **14-20.040 - Contents of application.**

Eighteen copies of the proposed tentative subdivision map shall be submitted to the Community Development Director. Additional copies may be required for transmittal to the designated official of any adjoining local agency, which has requested the same as provided in the Map Act. In the event the State Department of Transportation has filed the requisite map with the City relating to existing or proposed State highway routes upon which it believes subdivisions would have an effect and the property is located within the area covered by such map, two additional copies of the tentative map shall also be filed, which shall be transmitted by the advisory agency to the district office of such Department with a statement that the advisory agency will consider any recommendation of such Department made within fifteen days after receipt by it of the copies of the map. The tentative map shall be clearly and legibly drawn by a registered civil engineer or licensed land surveyor. It shall have a dimension of not less than eighteen inches by twenty-six inches, and the scale shall be as follows: One inch shall be equal to twenty feet for a subdivision of two or less acres; one inch shall be equal to fifty feet for a subdivision of two acres through twenty acres; and one inch shall be equal to one hundred feet for all subdivisions over twenty acres in area. The tentative map shall contain, or be accompanied by, the following information:

- (a) The name of any existing recorded map applicable to the subdivision, the date of recording such map, and the book and page of the official records where such map is recorded.
- (b) Proposed subdivision name, if any. The proposed name is subject to approval by the advisory agency.
- (c) Date, north point, scale and sufficient description to define the location and boundaries of the proposed subdivision or building site.
- (d) A key map showing adjacent contiguous property on all sides, giving location, names and widths of adjacent rights-of-way, topographic features and all improvements on adjacent property located within one hundred feet of the subdivision or site boundary.
- (e)

- Name and address of record owner or owners, applicant, and registered engineer or licensed land surveyor who prepared the map or drawing.
- (f) Locations, names, widths, centerline radii and centerline slopes of all streets, highways and other ways in the proposed subdivision or site.
- (g) Number of lots, dimensions of the lots, including frontage, depth and area in square feet.
- (h) Five-foot contours to describe area. Where the slope of any part of the property exceeds ten percent or where the property abuts existing developed lots, an overall grading plan may be required showing features adjacent to the property within a reasonable distance therefrom which would affect the subdivision or building site. In those cases in which a grading plan is required, it shall show how runoff of surface water will be controlled and the ultimate disposal of all surface waters. Bench marks shall be on County datum.
- (i) Location and character of all existing easements for drainage, sewage or public utilities, together with all building and use restrictions applicable thereto, and the approximate locations of all proposed easements for drainage, sewage or other public utilities.
- (j) Existing use or uses and zone or zones of the property and proposed use or uses.
- (k) Transfers of adjacent or related property owned by the applicant or his predecessor in interest made within the last preceding five years.
- (l) Location of all creeks, streams and other water courses delineated on the map or drawing, showing top of existing banks and creek depth, with separate sheet showing cross-section of all such creeks, streams and water courses.
- (m) All provisions for domestic water supply which are proposed by the applicant, including source, quality and approximate quantity expressed as gallons per minute.
- (n) All provisions for sewage disposal, storm drainage and flood control which are proposed by the applicant. Disposition of on-site storm water shall be consistent with the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (NPDES) as defined in [Article 15-06](#) of the Zoning Code.
- (o) Existing wells, active or abandoned, and disposition proposed.
- (p) Public or common green area proposed, if any.
- (q) Statement of tree planting and landscape plan, if required at the time of the application; otherwise, such plans shall be submitted with the project improvement plans for the subdivision or site as part of the application for building permit.
- (r) Statement of street lighting plan, if any.
- (s) Statement of the improvements proposed to be constructed or installed and of the time when such improvements shall be installed and the date of their anticipated completion.

- (t) Site development plan in accord with [Section 14-25.100](#), where required.
- (u) The approximate distance to and location of the nearest sanitary sewer main line.
- (v) Location of existing protected trees, as defined in [Section 15-50.020\(q\)](#), including outline, centers and species.
- (w) A preliminary geologic and soils report as described in [Section 14-20.020](#) of this Article, unless such report has already been furnished prior to the filing of the application; provided, however, where the average slope of the proposed subdivision does not exceed ten percent, the Community Development Director may require such report to be submitted with the improvement plans for the subdivision or site as part of the application for building permit; and provided, further, that the Community Development Director may waive the requirement of a preliminary geologic report if he or she determines that, due to the available knowledge of the City as to the soil qualities of the site, no such preliminary geologic report is necessary.
- (x) A preliminary title report issued within ten days from date of filing the application by a reputable title company doing business in the County, issued to or for the benefit of the City and showing all parties having any interest in the land.
- (y) If the applicant requests that vesting tentative map approval be granted pursuant to [Article 14-80](#) of this Chapter, the proposed map shall have printed conspicuously on its face the words "Vesting Tentative Map."
- (z) When requested by the Community Development Director, a scale drawing of the surrounding area for a distance of at least five hundred feet from each boundary of the proposed subdivision or building site, indicating the names and last known addresses of the owners of all property located within five hundred feet of such boundaries, as shown in the latest available assessment roll of the County.

In addition to the foregoing, the Community Development Director may require the applicant to submit such additional maps, documents, information and materials as the Community Development Director deems necessary for the review, processing and evaluation of the proposed tentative map approval. If any such additional maps, documents, information or materials are required, the Director shall so advise the applicant in writing within thirty days from the filing of the application.

(Amended by Ord. 221 § 2 (part), 2003; Ord. 229 § 2 (part), 2004; Ord. 245 § 2 (Att. A) (part), 2006)

## FINAL MAPS & IMPROVEMENT PLANS

- **14-40.020 - Submittal and approval of final map by City Engineer.**

(a)

Prior to the expiration of the tentative map approval or extension thereof pursuant to [Section 14-20.080](#), the subdivider or owner shall cause the property to be accurately surveyed and a final map to be prepared substantially in accord with the tentative map as approved, and cause a minimum of three copies of such final map, with any and all alterations and changes required thereto, to be filed with the City Engineer for his approval. At the time of filing the final map with the City Engineer, the subdivider or owner shall also file concurrently therewith the following:

(1)

A traverse sheet, giving latitude and departures, showing the mathematical closure, within the allowable limits of error, of the exterior boundaries of the property in all cases in which said boundaries are irregular or in which the tract is laid out in irregular blocks, and of the exterior boundaries of all irregular lots and blocks.

(2)

Plans, profile, details and specifications for improvements conforming to all requirements of this Chapter and other ordinances of the City, which must show the full details of all improvements and shall be to a scale of forty to fifty feet to the inch horizontal and four or five feet to the inch vertical.

(3)

A detailed estimate of quantities and costs of the proposed improvements for approval by the City Engineer.

(4)

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

(5)

Two copies of all proposed covenants, conditions and restrictions (CC&Rs) or a statement in writing signed by the subdivider or owner that no such restrictions are required or will be established.

(6)

Instruments prohibiting traffic over the side or rear lines of any street or other public way when and if the same is required under Subsection [14-25.030\(e\)](#).

(7)

Such deeds, offers of dedication or other instruments affecting or conveying title or any interests in land as are required under the terms of the tentative approval.

(8)

A statement that all applicable fees required under this Chapter have been paid in full to the City.

(b)

The City Engineer shall examine the final map and accompanying data and shall determine:

(1)

Whether the proposed final map substantially complies with the approved tentative map;

(2)

Whether all conditions of tentative approval have been completed, or if incomplete, are matters which are includable in an improvement agreement with the City; provided, however, conditions of tentative map approval must require that all improvements or conditions be completed prior to final map approval, except those expressly exempted by the advisory agency pursuant to [Section 14-30.130\(b\)](#) and (c). Only the completion of improvements and/or conditions expressly exempted by the advisory agency pursuant to [Section 14-30.130\(b\)](#) and (c) shall be the subject of an improvement agreement. The final map shall not be found to substantially comply with the approved tentative map until all improvements and/or conditions, excluding those so expressly exempted, are completed;

(3)

Whether the Map Act, all provisions of this Chapter and all other applicable provisions of law have been complied with; and

(4)

Whether the final map is technically correct.

(c)

Upon the City Engineer's determination that all requirements of this Section have been satisfied, he shall execute the City Engineer's certificate on the final map.

• **14-40.040 - Filing of final map.**

When all certificates required on the final map (except the certificate of the County Recorder and the approval certificate of the City Clerk) have been executed, said final map may be filed with the City Clerk for action by the City Council. No final map shall be accepted for filing by the City Clerk unless, in addition to the above, the following requirements have been satisfied:

(a)

The final map is accompanied by:

(1)

A blue line print thereof;

(2)

The improvement plans accompanied by a statement of approval thereof signed by the City Engineer;

(3)

Two copies of the City's standard form of improvement agreement executed by the owner or owners of the property, together with the security required to be furnished thereunder, the requisite monument bond guaranteeing payment of the cost of setting monuments (Government Code Section 66496), and County certification that the requisite tax bond has been posted (Government Code Section 66493) and such other agreements and bonds as may from time to time be required by law;

(4)

The indemnity agreement and insurance policy required by [Section 14-05.055](#) of this Chapter; and

(5)

All documents and matters previously submitted to the City Engineer under Subsection [14-40.020\(a\)](#) of this Article.

(b)

All required fees and costs have been paid in full to the City.

Any delivery of a final map to the City Clerk or any receipt by the City Clerk of a final map, other than in accord with the provisions of this Section, shall not be considered an acceptance for filing nor a filing of said map with the City for any purpose, unless notwithstanding such ineffective filing the City Council thereafter takes final action to approve or disapprove the map in accord with [Section 14-40.050](#) of this Article.

(Amended by Ord. 71.100 § 2 (part), 1991)

- **Article 14-30 - IMPROVEMENT REQUIREMENTS**

- **14-30.010 - Improvement standards adopted.**

Except as otherwise set forth in this Chapter, the standard specifications of the State Department of Transportation dated January 1975, and any subsequent amendments thereto, the "Saratoga Street and Storm Drain Improvement Standards - 1974," and the "American Standard Practice for Street and Highway Lighting," all of which standards are incorporated herein by reference, are hereby adopted as minimum design and improvement standards for all streets, sidewalks, driveways, storm drain facilities, street lighting and other subdivision or building site improvements in the City. Copies of each of said design and improvement standards shall be kept on file for use and examination by the public in the office of the City Engineer. In the event of any conflict between the standards and specifications incorporated herein by reference and any of the standards or specifications contained elsewhere in this Chapter, the latter shall control.

- **14-30.020 - Improvement plans.**

The subdivider or owner shall cause plans and profiles for all improvements to be prepared by a registered civil engineer in accord with design and improvement standards of this Chapter, which plans and profiles shall be submitted to and approved in writing by the City Engineer prior to the commencement of improvement work and prior to filing of the final map. All improvements shall be constructed and completed under the inspection of the City Engineer and subject to his approval. Without limiting the foregoing, said plans shall include typical cross sections and proposed finished grades of all streets together with a profile showing the relation between finished grade and existing ground elevations, and the lengths, sizes, grades and type of all pipes, culverts and other structures.

- **14-30.030 - Storm water and sewage.**

(a)

**General requirements.** Subterranean storm drains shall be designed and installed by the subdivider or owner to adequately and safely drain all storm waters of the subdivision or site, and all surface waters reaching or reasonably calculated to reach the subdivision or site from areas outside of its boundaries.

All drainage plans shall be consistent with the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (NPDES) as defined in [Article 15-06](#) of the Zoning Code. In order to ensure compliance with the program, grading plans shall incorporate appropriate source control and site design measures that minimize storm water pollutant discharges to the maximum extent possible. Existing storm drains already discharging into a watercourse shall be of a capacity sufficient, in the opinion of the City Engineer, to adequately and safely carry all of such additional drainage generated by the development. The storm drain system shall consist of mains of not less than twelve inches in diameter, together with such manholes, catch basins, laterals and other structures, and at such grades, as required by the City Engineer to conform to good drainage requirements for the area and topography of the subdivision or site to prevent standing or flooding waters within and outside of its boundaries. In addition, the subdivider or owner shall comply with all conditions of the water district as may be imposed by any permit required to be obtained from such district in order to discharge said waters into a watercourse.

(b)

**Drainage into adjacent drains.** Whenever a subdivider or owner proposes to drain storm and surface waters to a watercourse by means of connection with and use of existing drains outside of the subdivision or site rather than by the construction of drains at his own cost and expense outside of said subdivision or site, and if such adjacent drains and facilities have been dedicated to the public, then as a condition of approval of such alternate method, the subdivider or owner shall be required to pay a reasonable charge to the City for the connection and use of such outside public drainage system. Such cost shall in no event exceed the estimated cost to the subdivider or owner of constructing independent exterior drainage facilities to adequately carry such waters from the subdivision or site to the nearest accessible natural watercourse.

(c)

**Reimbursement for oversize drainage facilities.** Whenever in the opinion of the advisory agency it is necessary that oversize drains, laterals, or other facilities for storm drainage be installed by the subdivider or owner which can or will be used for the benefit, immediate or future, of property not in the subdivision or building site, the subdivider or owner shall be required to install such facilities in excess of the requirements for his property alone, and the City shall enter into a contract with the subdivider or owner to collect the excess cost of the oversize or additional facilities from all persons in the future using the same for the benefit of property not in the subdivision or site, and to pay such collections of excess cost to the subdivider or owner as received. Said agreement shall provide for a time limit beyond which no such collection shall be made for said oversize drainage facilities, but in no event to be less than ten years.

(d)

**Sanitary sewers.** The subdivider or owner shall connect the subdivision and each of the lots thereof or the building site to the facilities of such sanitation or sanitary district as has jurisdiction, by the installation of such additional mains and laterals as is necessary in the opinion of the Health Officer to adequately sewer the same by sanitary sewers. In the event the subdivision or the building site or any part thereof is not within the boundaries of a sanitation or sanitary district, the advisory agency may require annexation to or otherwise inclusion in such a district as a condition of tentative map approval. Sanitary sewers shall be installed to grades, standards, location, design, lengths and sizes, as approved by the sanitation engineer for the district having jurisdiction, and in accord with all laws and regulations of said district. Other than as might be permitted under [Article 14-35](#) of this Chapter, disposal of sanitary sewage may not be by septic tank methods, or any other method other than by connection to a sanitary sewer system.

(Amended by Ord. 221 § 2 (part), 2003; Ord. 229 § 2 (part), 2004)

- **14-30.040 - Water.**

(a)

**General requirements.** The subdivider or owner shall construct a complete water system including mains, valves, fittings, blowoffs, fire hydrants and other appurtenances and structures adequate to provide water supply for domestic or commercial use and for fire protection in conformity with the standards established by the Board of Fire Underwriters of the Pacific. Water mains shall conform to the design criteria of the San Jose Water Company and the State Public Utilities Commission, and the grades, location and sizes shall be approved by the City Engineer. The number and location of fire hydrants shall be as determined by the Fire Chief of the district serving the area in which the subdivision or building site is located.

(b)

**Reimbursement for City financed water facilities.** Whenever the City has caused, or is causing, by virtue of contract with the San Jose Water Company or other water utility, the construction of domestic or commercial main water lines running into the service area of the lot, site or subdivision in question, and where the City has paid, by advance or otherwise, sums to the water utility to cover the cost of such construction in excess of such portion of said cost as will be refunded (in accord with such applicable main extension rules of the utility as are approved by the State Public Utilities Commission), then in lieu of constructing such water mains, the subdivider or owner may connect to such existing main or mains as will service the area in question, but shall be required to pay to the City a pro rata share of such excess in cost over amounts otherwise refundable to the City, as the frontage of the lot, site or subdivision which will use said water main or mains bears to the total existing or prospective frontage serviceable by said main or mains.

(c)

**Water facilities for hazardous fire areas.** In all hazardous fire areas, as designated by the City Council, fire hydrants shall be located so that no part of a residential structure shall be further than five hundred feet from at least one hydrant, and the fire protection system shall be so designed and charged with water so that each hydrant for residential fire protection shall deliver no less than one thousand gallons per minute of water. Water storage or other availability shall be such that for any one hydrant of the system, the one thousand gallons per minute minimum shall be for a sustained period of two hours.

- **14-30.050 - Street lights.**

Street lights may be required at the discretion of the advisory agency.

- **14-30.060 - Trees.**

The subdivider or owner shall plant trees on each lot or site and maintain them for a minimum of one year after planting. All such trees shall be of a number, variety and type as determined or approved by the advisory agency, which may delegate such authority in any particular instance to the Community Development Director. Any such trees, which may be planted in a street right-of-way, shall constitute encroachments subject to removal in accordance with [Article 10-20](#) in [Chapter 10](#) of this Code.

(Amended by Ord. 221 § 2 (part), 2003)

- **14-30.070 - Fencing along major streets and watercourses.**

Whenever the side or rear property line of any lot or site is adjacent to an arterial street, highway, freeway or expressway, as described in subsection [14-25.030](#)(e), or borders a watercourse, the advisory agency may require the subdivider or owner to install decorative walls or fences separating the lot or site therefrom. The subdivider or owner shall be required to landscape the area between such wall or fence and any arterial

street, highway, freeway or expressway, and shall cause the wall or fence design and landscaping plan to be prepared as part of the improvement plans, which design and plan shall be subject to the approval of the advisory agency.

- **14-30.080 - Dead-end street landscaping.**

Where dead-end streets are approved, standard street barricades shall be constructed at the ends thereof. In addition, where in the opinion of the advisory agency said streets will not be extended within one year from estimated completion of improvements, the subdivider or owner may be required to plant or landscape the two-foot strip granted the City in accord with subsection [14-25.030\(c\)](#) as part of the street improvements.

- **14-30.085 - Cable television service.**

The subdivider or owner, at his own expense, shall provide for cable television service to the subdivision or building site whenever the holder of a cable television franchise granted pursuant to [Article 4-15](#) of this Code would be required to extend service to such subdivision or site under the density standard set forth in Section 4-25.105 of this Code. In such event, the subdivider or owner shall be entitled to any cost rebates as specified in Section 4-25.105.

- **14-30.090 - Cash deposit in lieu of permanent improvement.**

(a)

Whenever the City Engineer determines that any street or frontage road, or any part thereof, bordering any part of a subdivision or building site, as set forth in subsection [14-25.030\(i\)](#), need not be improved to full City standards at the time the subdivider or owner constructs the other improvements, in lieu of installing said permanent improvements the subdivider or owner may be required to install temporary improvements and deposit with the City the cash difference between the estimated cost of the temporary improvements and the estimated cost of the permanent improvement, such cash deposit to be made prior to final acceptance of improvements.

(b)

Whenever all or any portion of the subdivision or site is adjacent to an existing street improved or to be improved by another developer subject to a reimbursement agreement as provided in subsection [14-25.030\(i\)](#), the subdivider or owner shall be required to pay to the City to the account of the other developer actually improving said street, a pro rata share of the cost of such street in lieu of constructing the same. Such pro rata share shall in no event exceed one-half of the total cost of said adjacent street.

- **14-30.100 - Underground utilities.**

(a)

All public utility systems and service facilities therefor, including without limitation all electrical and telephone distribution or transmission facilities, and also all telegraph and all CATV distribution or transmission facilities, if any, installed in and for the purpose of providing service within the subdivision or building site, shall be located and installed underground and insofar as practical shall be located in the rights-of-way of public streets, with a junction box for each lot of a subdivision designed to carry the service drops underground to each serviced building or structure. The subdivider or owner shall make any necessary cost and other arrangements with each of the public utility and CATV companies involved for the installation of underground facilities and for the relocation of existing

overhead facilities on or adjacent to the subdivision or site, including notification of the commencement of construction and reasonable notice of the particular date on which open trenching will be available for the installation of the underground facilities. All undergrounding work shall be performed in accordance with the respective operating company's rules, regulations and specifications.

(b)

Undergrounding shall not be required with respect to the following:

(1)

Pad-mounted transformers, terminal boxes, meter cabinets and concealed ducts may be situated aboveground if they are used solely for the purpose of providing service within the subdivision or site and are used solely in connection with the underground transmission or distribution lines.

(2)

Poles supporting electricity transmission lines, and the electricity transmission lines supported by such poles, may be situated above the surface of the ground if the voltage carried by such lines is more than 12KV and such lines are not connected to any distribution line situated within the subdivision or site and do not in any way serve any part of the subdivision or site.

(3)

Poles supporting street lights, and the electrical lines within said poles, may be situated above the surface of the ground.

- **14-30.110 - Reimbursement agreements.**

In addition to the more specific provisions set forth in this Chapter, the subdivider or owner may be required to install improvements for the benefit of the subdivision or the building site with supplemental size, capacity or number so as to in addition benefit property not within the subdivision or site and to dedicate or offer to dedicate such additional improvements for public use. In the event of the imposition of such a condition, the City shall enter into an agreement with the subdivider or owner to reimburse him for that portion of the cost of such improvements equal to the difference between the amount it would have cost to install such improvements to serve the subdivision or site only and the actual cost of such improvements, as determined by the City Engineer. Said reimbursement agreement may provide for any one or more of the methods set forth in Government Code Section 66487(a), (b) and (c) to provide funding for the reimbursement for said excess cost.

- **14-30.120 - Improvements on remainder parcels.**

Where, as a condition of tentative map approval, any improvements are required to be constructed upon a designated remainder parcel, no final map approval shall be granted unless and until the subdivider or owner has executed a written agreement with the City providing for the construction and completion of all improvements upon the remainder parcel concurrently with the subdivision or site improvements, unless otherwise expressly stipulated in said agreement.

- **14-30.130 - Additional requirements.**

In addition to all the provisions of this Article, the advisory agency:

(a)

May require special improvements or structures to be constructed other than as specifically enumerated herein in order to carry out the purposes of this Chapter or the policies of the General

Plan or any applicable specific plan, and as may reasonably be required by the circumstances of each case.

(b)

Shall require that all improvements and conditions be constructed and construction acceptance granted prior to the filing of the final map for certification. Except that, the advisory agency may require upon recommendation of the City Engineer that certain improvements and/or conditions be constructed and construction acceptance granted within a specified time period after the filing of the final map for certification; however, in no case later than issuance of a permit for development of individual lots.

(c)

In the case of subdivisions of four or fewer lots, the fulfillment of construction requirements, including off-site and on-site improvements, shall not be required until the time a permit or other grant of approval for development of the parcel as specified by the City Engineer is issued by the City unless otherwise agreed to in writing between the subdivider and the City. In the absence of an agreement, the City may require fulfillment of the construction requirements within a reasonable time following approval of the parcel map or building site and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the City that fulfillment of the construction requirements is necessary for either of the following reasons: (1) the public health and safety or, (2) the required construction is a necessary prerequisite to the orderly development of the surrounding area.

(Amended by Ord. 71.100 § 2 (part), 1991)