

Chapter 16.12 VESTING TENTATIVE MAPS

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16.12.010 Citation and authority.

This chapter 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 (hereinafter referred to as the Vesting Tentative Map Statute).

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2901)

16.12.020 Purpose and intent.

It is the purpose of this chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute and to supplement the provisions of the Subdivision Map Act. Except as otherwise set forth herein, all provisions of this title and Title 17 of this code shall apply to this chapter.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2902)

16.12.030 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 applicable specific plan or not permitted by Title 17 or other applicable provisions of this code.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2903)

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16.12.040 Definitions.

A "vesting tentative map" means a "tentative map" for any subdivisions, as defined in this chapter, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time that an application is filed with the city and is thereafter processed in accordance with the provisions hereof.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2904)

16.12.050 Application.

- A. This chapter shall apply to residential and nonresidential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the city, requires the filing of a tentative map or tentative parcel map, 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. 387 § 1 (part), 1992: prior code § 9-1.2905)

16.12.060 Filing and processing.

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 elsewhere in this title for a tentative map, except as hereinafter provided:

- A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."
- B. At the time a vesting tentative map is filed, a subdivider shall also supply the following information, if applicable:
 - 1. Height, size and location of building(s) and parking;
 - 2. Preliminary plans for engineered sewer, water, storm drain and street details, approved by the city engineer in compliance with city ordinances;
 - 3. Information on the uses to which the buildings will be put;
 - 4. Traffic generation and volumes, geological studies, stormwater generation and impact information, any other evidence of compliance with CEQA and methods proposed to mitigate any significant environmental effects below a level of significance;
 - 5. Preliminary plans for engineered street improvements plans approved by the city engineer;
 - 6. Detailed grading plans;
 - 7. Typical architectural plans approved by the planning commission;
 - 8. Any other studies normally deferred through final map recording or application for building permit;
 - 9. Rezone application, if required;
 - 10. Application for a general plan amendment, if required;
 - 11. Location and sizes of trees to remain and trees to be removed;
 - 12. Detailed landscaping plan, including irrigation system; and

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13. Signage details.

- C. At the time a vesting tentative map is filed for a single-family dwelling, the information to be supplied pursuant to this section shall exclude subsections (B)(1), (3), (11) and (13) of this section.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2906)

16.12.070 Fees.

Upon filing a vesting tentative map, the subdivider shall pay the fees as set by resolution of the city council for the filing and processing of a vesting tentative map.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2907)

16.12.080 Expiration.

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period and shall be subject to the same extensions, established by this title for the expiration of the approval or conditional approval of a tentative map, except that the rights conferred by a vesting tentative map shall not expire until one year after the recording date of the final map and as further provided in Government Code Section 66452.6 (g).

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2908)

16.12.090 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 Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, 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 in effect at the time of the vesting tentative map is approved or conditionally approved.
- B. Notwithstanding subsection A of this section, 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 16.12.080 of this chapter. If the final map is approved, these rights shall last for the following periods of time:
1. An initial time period of one year beyond the recording of the final map. 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) of this section 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 (30) days from the date the complete application is filed, as determined by the building official;

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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) of this section expires. If the extension is denied, the subdivider may appeal the denial to the city council within fifteen (15) days;
4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (C)(1) through (C)(3) of this section, the rights referred to herein shall continue until the expiration of that permit or any extension of that permit.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2909)

16.12.100 Development inconsistent with zoning—Conditional approval.

Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the general plan and/or the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The city shall deny such a vesting tentative map or approve it conditioned on the subdivider or his or her designee obtaining the necessary changes in the general plan and zoning ordinance to eliminate the inconsistency. If the changes in the general plan and zoning ordinance are obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 16.12.090 (A) of this chapter, confer the vested right to proceed with the development in substantial compliance with the change in the general plan and zoning ordinance and the map, as approved.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2910)

16.12.110 Application inconsistent with current policies.

Notwithstanding any provisions of this chapter, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies and standards set forth in Sections 16.12.090(A) and 16.12.100 of this chapter and local agencies may grant approvals or issue permits to the extent that the departures are authorized under applicable law.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2911)

16.12.120 Vesting tentative map amendments.

If the ordinances, policies or standards described in Section 16.12.090(A) and (B) of this chapter are changed subsequent to the approval or conditional approval of a vesting tentative map, the subdivider or assignee, at any time prior to the expiration of the vesting tentative map pursuant to Section 16.12.090 (C) of this chapter, may apply for an amendment to the vesting tentative map to secure a vested right to proceed with the changed ordinances, policies or standards. An application shall clearly specify the changed ordinances, policies or standards for which the amendment is sought.

(Ord. 387 § 1 (part), 1992: prior code § 9-1.2912)